

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

IN RE:	)	
	)	
CYNTHIA F. TONEY,	)	
	)	
PLAINTIFF,	)	CASE NO. 2:06CV949-ID-WC
	)	
vs.	)	
	)	
MEDICAL DATA SYSTEMS, INC.,	)	
D/B/A MEDICAL REVENUE SERVICES, INC.,	)	
	)	
DEFENDANT.	)	

**REPORT OF PARTIES' PLANNING MEETING**

Pursuant to Fed. R. Civ. P. 26(f), a meeting was held on December 18, 2006, and was attended by: David G. Poston, Esq., on behalf of the Plaintiff; and Russel A. McGill, Esq., on behalf of Defendant, Medical Data Systems, Inc., d/b/a Medical Revenue Services, Inc. (hereinafter, "Medical Revenue"). The parties do not request a conference with the Judge before entry of the Scheduling Order.

1. Plaintiff seeks actual damages in the amount of \$100.00, statutory damages, costs, and attorney fees for Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. § 1692, et seq.
2. Defendant, Medical Revenue, filed an Answer to the Plaintiff's Complaint on December 1, 2006.
3. This jury action should be ready for trial by November 5, 2007, and, at this time, is expected to take approximately two (2) days to try.
4. The parties request a pre-trial conference on or about September 24, 2007.
5. **DISCOVERY PLAN.** The parties jointly propose to the Court the following discovery plan.

- a) Discovery will be needed on the following subjects:
  - 1) The circumstances and allegations of the Plaintiff's Complaint; and,
  - 2) Legal defenses of the Defendant.
- b) All discovery is to be commenced in time to be completed by August 15, 2007.
- c) Maximum of forty (40) interrogatories by each party to any other party. Responses due thirty (30) days after service.
- d) Maximum of forty (40) requests for production by each party to any other party. Responses due thirty (30) days after service.
- e) Maximum of forty (40) requests for admission by each party to any other party. Responses due thirty (30) days after service.
- f) Maximum of five (5) depositions by Plaintiff and five (5) by Defendant exclusive of expert depositions, unless extended by agreement. No single deposition may exceed eight (8) hours in length, unless extended by agreement.
- g) Supplementation under Rule 26(e) due within thirty (30) days after the attorney learns of the information requiring said supplementation.
- h) Either party may move the Court for expansion, extension or delay of discovery for good cause shown (other than as provided in subparagraph c above) and the non-moving party retains the right to object thereto.

6. **INITIAL DISCLOSURES.** The parties will exchange by May 1, 2007, the information required by Fed. R. Civ. P. 26 (a) (1).

7. Plaintiff should be allowed until January 15, 2007, to join additional parties and to amend the pleadings. Defendants should be allowed until February 9, 2007, to join additional parties and to amend the pleadings.

8. Reports from retained experts under Rule 26 (a) (2) due:

- a) From Plaintiff by March 1, 2007; and,
- b) From Defendants by March 26, 2007.

9. **PRE-TRIAL DISCLOSURES.** Final lists of witnesses and exhibits under Rule 26(a)(3) are due in accordance with any subsequent order of this Court, or pre-trial order.

10. All potentially dispositive motions and supporting briefs should be filed by June 26, 2007, or ten (10) days prior to close of discovery if discovery is subsequently extended. Any briefs or materials in response are due twenty (20) days after the date of the filing of any dispositive motions.

11. All *in limine* motions should be filed on or about October 16, 2007.

12. Settlement cannot be realistically evaluated prior to April 2, 2007.

13. At the conclusion of this parties' planning meeting, Defendant's counsel, Russel A. McGill, Esq., granted Plaintiff's counsel, David G. Poston, permission to include his electronic signature on this Report of Parties' Planning Meeting in order to facilitate the filing of this document.

Respectfully submitted this **18<sup>th</sup>** day of December, 2006.

/s/ David G. Poston

David G. Poston, Esq.

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/s/ Russel A. McGill

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